## Case 3:19-cv-05935-WH HFiled 09/23/19 Page 1 of 2

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS LÉGALFORCE RAPC WORLDWIDE P.C.

(b) County of Residence of First Listed Plaintiff SANTA CLARA COUNTY (EXCEPT IN U.S. PLAINTIFF CASES)

(C) Attorneys (Firm Name, Address, and Telephone Number) LevalForce RAPC Worldwide P.C. 1580 W. El Camino Real, Suite 10, Mountain View, California 94040

## **DEFENDANTS** UNITED STATES PATENT & TRADEMARK OFFICE

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) SANTA CLARA COUNTY

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

| Telephone: 650-965-8731 Raj V. Abhya   | rcelaw.com)  | San Francisco, CA 94102, Michelle.Lo@usdoj.gov, ph: (415) 436-7180   |                           |  |                               |  |   |
|--|--|--|---------------------------|--|-------------------------------|--|---|
| II. BASIS OF JURIS   | DICTION (Place an "X" in (   | One Box Only)  |                           | TIZENSHIP OF Diversity Cases Only)   |                               |  | Box for Defendant)                                      |
| 1 U.S. Government Plaintiff  | 1 U.S. Government Plaintiff × 3 Federal Question (U.S. Government Not a Party) |  | Citizen of This State PTF |  | x 1 Incorporated or Prince    | DEF  Incorporated or Principal Place of Business In This State |   |
| 2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item             |  | Parties in Item III)   |                           | n of Another State   | 2                             | 2 Incorporated <i>and</i> Pri of Business In Anoth             | ner State   |
|  |  |  |                           | n or Subject of a<br>n Country   | 3                             | 3 Foreign Nation   | 6 6   |
| IV. NATURE OF SU   | IT (Place an "X" in One Box (  | Only)  |                           |  |                               |  |   |
| CONTRACT   | TORTS  |  |                           | FORFEITURE/PENALT  |                               | BANKRUPTCY   | OTHER STATUTES  |
| 110 Insurance  | PERSONAL INJURY  | PERSONAL I   | NJURY                     | 625 Drug Related S   |                               | 422 Appeal 28 USC § 158  | 375 False Claims Act                                    |
| 120 Marine   | 310 Airplane   | Slander Stander Pharmaceutical Personal Injury Product Liability  368 Asbestos Personal Injury Product Liability |                           | Property 21 USC § 881<br>690 Other   |                               | 423 Withdrawal 28 USC<br>§ 157                                 | 376 Qui Tam (31 USC<br>§ 3729(a))                       |
| 130 Miller Act   | 315 Airplane Product Liability   |  |                           |  |                               | v v  | 400 State Reapportionment                               |
| 140 Negotiable Instrument  | 320 Assault, Libel & Slander   |  |                           | LABOR  |                               | PROPERTY RIGHTS  | 410 Antitrust   |
| 150 Recovery of<br>Overpayment Of  | 330 Federal Employers'   |  |                           | 710 Fair Labor Stan  |                               | 820 Copyrights   | 430 Banks and Banking                                   |
| Veteran's Benefits   | Liability  |  |                           | 720 Labor/Management<br>Relations<br>740 Railway Labor Act<br>751 Family and Medical |                               | 830 Patent 835 Patent—Abbreviated New                          | 450 Commerce 460 Deportation 470 Racketeer Influenced & |
| 151 Medicare Act   | 340 Marine   |  |                           |  |                               |  |   |
| 152 Recovery of Defaulted  | 345 Marine Product Liability   |  |                           |  |                               | Drug Application   |   |
| Student Loans (Excludes  | 350 Motor Vehicle  | 370 Other Fraud  | 370 Other Fraud           |  | edical                        | 840 Trademark  | Corrupt Organizations                                   |
| Veterans)  | 355 Motor Vehicle Product<br>Liability   | sonal Injury 380 Other Personal Property   |                           | Leave Act 790 Other Labor Litigation   |                               | SOCIAL SECURITY  | 480 Consumer Credit                                     |
| 153 Recovery of<br>Overpayment   | 360 Other Personal Injury  |  |                           | 791 Employee Retin   | ~                             | 861 HIA (1395ff)   | 490 Cable/Sat TV<br>850 Securities/Commodities/         |
| of Veteran's Benefits  | 362 Personal Injury -Medical Damage  |  |                           | Income Securit   |                               | 862 Black Lung (923)   |   |
| 160 Stockholders' Suits  | Malpractice  | 385 Property Dar   | nage Product              | IMMIGRATI  | ON                            | 863 DIWC/DIWW (405(g))   | Exchange  |
| 190 Other Contract   |  | Liability  |                           | 462 Naturalization   | .011                          | 864 SSID Title XVI   | 890 Other Statutory Actions                             |
| 195 Contract Product Liability   | CIVIL RIGHTS   | PRISONER PE  | TITIONS                   | Application  |                               | 865 RSI (405(g))   | 891 Agricultural Acts                                   |
| 196 Franchise  | 440 Other Civil Rights   | HABEAS CORPUS  |                           | 465 Other Immigration  |                               | FEDERAL TAX SUITS  | 893 Environmental Matters                               |
|  | 441 Voting   | 463 Alien Detain   | ee                        | Actions  |                               | 870 Taxes (U.S. Plaintiff or                                   | × 895 Freedom of Information                            |
| REAL PROPERTY  | 442 Employment   | 510 Motions to V   | <sup>7</sup> acate        |  |                               | Defendant)   | 896 Arbitration   |
| 210 Land Condemnation  | 443 Housing/   | Sentence   |                           |  |                               | 871 IRS—Third Party 26 USC                                     | 899 Administrative Procedure                            |
| 220 Foreclosure  | Accommodations   | 530 General  |                           |  |                               | § 7609   | Act/Review or Appeal of                                 |
| 230 Rent Lease & Ejectment   | 445 Amer. w/Disabilities—<br>Employment  | 535 Death Penalt   | •                         |  |                               |  | Agency Decision   |
| 240 Torts to Land  | 446 Amer. w/Disabilities—Other   | OTHE   |                           |  |                               |  | 950 Constitutionality of State                          |
| 245 Tort Product Liability   | 448 Education  | 540 Mandamus & Other   |                           |  |                               |  | Statutes  |
| 290 All Other Real Property  | 110 Education  | 550 Civil Rights   |                           |  |                               |  |   |
|  |  | 555 Prison Condi   |                           |  |                               |  |   |
|  |  | 560 Civil Detaine  |                           |  |                               |  |   |
|  |  | Conditions o<br>Confinement  |                           |  |                               |  |   |
| V. ORIGIN (Place an X 1 Original 2 Proceeding  | Removed from 3 F   | Remanded from<br>Appellate Court   | 4 Reins<br>Reop           |  | sferred from<br>ther District |  | 8 Multidistrict Litigation–Direct File                  |
| VI. CHUBE OF   | the U.S. Civil Statute under v   |  |                           |  |                               |  | TION ACT 5 U.S.C. 8 552 et seg                          |
| ACHON  | ef description of cause:   | DECEMBER OF T  | IND INSCINC               | IIVE REELEI TOR VIO  | )Littloit o                   | THE TREEDOM OF INTORUM   | 1101(11c1, 5 0.5.c. § 552 0. seq.                       |
|  | olations of federal Freedo   | m of Informatio  | on Act stat               | tute   |                               |  |   |
| VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in co |  |  |                           |  |                               |  | nanded in complaint:                                    |
| COMPLAINT: UNDER RULE 23, Fed. R. Civ. P.  |  |  |                           | TITE O   |                               | JURY DEMAND:   | Yes X No  |
|  |  | ·<br>  |                           |  |                               |  |   |
| VIII. RELATED CASI IF ANY (See instru  | NA TUDOTE NA   | axine M. Ches  | sney                      | DOCKET N   | NUMBER                        | 3:17-cv-07194-MMC  |   |

**DATE** 09/23/2019

(Place an "X" in One Box Only)

**DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)** 

× SAN FRANCISCO/OAKLAND

/Raj Abhyanker/ SIGNATURE OF ATTORNEY OF RECORD

SAN JOSE

**EUREKA-MCKINLEYVILLE** 

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

**Authority For Civil Cover Sheet.** The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."
- II. Jurisdiction. The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
  - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - (3) <u>Federal question</u>. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - (4) <u>Diversity of citizenship</u>. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.)**
- III. Residence (citizenship) of Principal Parties. This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the six boxes.
  - (1) <u>Original Proceedings</u>. Cases originating in the United States district courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) <u>Transferred from Another District</u>. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
  - <u>Please note that there is no Origin Code 7</u>. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Federal Rule of Civil Procedure 23.
  - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
  - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- **IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."

Date and Attorney Signature. Date and sign the civil cover sheet.